

REMARKS

Status of the claims:

With the above amendments, claim 26 is amended. Claims 14-20, 25 and 26 are pending and ready for further action on the merits. No new matter has been added by way of the above amendments. Claim 26 has been amended by incorporating a definition for "A", which has support at page 5, lines 27-29. Entry of the amendment and reconsideration is respectfully requested in light of the following remarks.

Rejections under 35 USC §112, second paragraph

Claim 26 has been rejected under 35 USC §112, second paragraph as allegedly being indefinite. The Examiner asserts that claim 26 contains no antecedent basis for "A". Accordingly, Applicants have amended claim 26 to recite a definition for "A". Withdrawal of the rejection is warranted and respectfully requested.

Other Matters

The Examiner has objected to claim 26 asserting that the scope of claim 26 is identical to claim 25. Applicants disagree. Although the Patent Office often treats product by process claims to be of the same scope as the product claim, it is well-settled that product and product by process claims are

not of the same scope. Please see *Exxon Chem. Patents, Inc. v. Lubrizol Corp.*, 64 F.3d 1553, 35 USPQ2d 1801, (Fed. Cir. 1995) regarding why product process claims are necessary and are of different scope than product claims.

Allowable Subject Matter

Applicants would like to thank the Examiner for acknowledging that claims 14-20 and 25 are allowable. Applicants believe that with the above amendment to claim 26, it is also allowable.

Accordingly, with the above remarks and amendments, it is believed that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

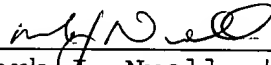
If any questions remain regarding the above matters, please contact Applicant's representative, T. Benjamin Schroeder (Reg. No. 50,990), in the Washington metropolitan area at the phone number listed below.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a two (2) month extension of time for filing a response in connection with the present application. The required fee of \$210.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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